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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 MYCHAL OWENS,

9 Plaintiff,

10 v.

11 JOHN DOE, et al.,

12 Defendants.

CASE NO. C17-1027-JCC-BAT

**ORDER DENYING MOTION TO  
TEMPORARILY APPOINT  
COUNSEL**

13 Plaintiff Mychal Owens has filed a motion to temporarily appoint counsel for the purpose  
14 of securing witness declarations. Dkt. 27. The Court hereby **DENIES** the motion **without**  
15 **prejudice**.

16 Mr. Owens states that because he is in Department of Corrections custody, he is unable to  
17 get specific information or locations for witnesses and cannot serve or contact witnesses directly.  
18 He further states that he is unable to access the legal library or legal information, is housed in a  
19 psychiatric in-patient facility with limited resources, and has mental health issues. As the Court  
20 has noted in denying Mr. Owens's previous requests for counsel, the Court may appoint counsel  
21 for indigent civil litigants only under exceptional circumstances. *Agyeman v. Corrections Corp.*  
22 *of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). The Court again finds that Mr. Owens has not  
23 presented exceptional circumstances that would justify the appointment of counsel, even on a

1 temporary or limited basis. To the extent Mr. Owens identifies difficulties with the discovery  
2 process, Mr. Owens must seek to confer with the defendants and, if the issue cannot be resolved,  
3 file a motion related to the discovery issue.

4 The Clerk shall send a copy of this Order to Mr. Owens.

5 DATED this 23rd day of January, 2018.

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8 BRIAN A. TSUCHIDA  
9 United States Magistrate Judge  
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